

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 7, 2006.

Claims 1-24 are pending.

Claims 1-24 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Publication 2002/0063788 to Kurashige et al. ("Kurashige"). Reconsideration of the application in light of the remarks below is respectfully requested.

It is initially noted that some rejections and objections were set forth in a previous Office Action dated September 7, 2005. Applicant responded to those rejections and objections in a response dated December 7, 2005. As the current Office Action has not commented on any of those objections or rejections – except for the rejection referenced above based on Kurashige, it is believed that any other objection or rejection has been overcome.

Among the limitations of independent claim 1, which are neither disclosed nor suggested in the Kurashige reference are:

means for generating color image signals while switching between a normal-light image mode using white light and a fluorescence image mode including fluorescence information... .

Similarly, among the limitations of independent claim 13, which are neither disclosed nor suggested in the Kurashige reference are:

a matrix circuit... for generating color image signals while switching between a normal-light image mode using white light and a fluorescence image mode including fluorescence information....

The current Office Action and the one dated September 7, 2005 point to paragraphs 64 and 65 of the Kurashige reference as showing the above referenced limitations. However, a

careful reading of these paragraphs reveals that there is simply no disclosure with regard to generating color image signals during a fluorescence image mode including fluorescence information. Applicant referenced this deficiency of the Kurashige reference on page 10 of the Response filed December 7, 2005. In the Response to Arguments section in the current Office Action, the Examiner first states that all arguments relating to a fluorescent image mode are “moot since the claims do not require” such a limitation. However, as noted clearly above, both independent claims 1 and 13 do indeed recite a means for generating color signals while switching between a normal-light image mode and a fluorescent image mode. As a fluorescence image mode is recited in the independent claims and not found in the cited prior art, it is asserted that independent claims 1 and 13 are patentable over the Kurashige reference. Dependent claims 2-12 and 14-24 include the above referenced limitations of independent claims 1 and 13 respectively, and include additional recitations which, when combined with the recitations of independent claims 1 and 13, are also neither disclosed nor suggested in the Kurashige reference. It is asserted that these claims are patentable as well. Reconsideration of the rejection of claims 1-24 under 35 U.S.C. §102 is respectfully requested in light of the remarks above.

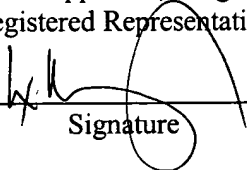
Moreover, it is apparent that the Examiner has not given any patentable weight to the claim limitations relating to a fluorescence image mode. As the Examiner has not compared these claim limitations with the prior art, it is respectfully asserted that it is inappropriate to make the current Office Action “Final”. As such, Applicant requests that the Examiner either issue a Notice of Allowance for claims 1-24 or issue a new, non-final Office Action which addresses all of the claim limitations, including those relating to a fluorescence image mode, as discussed above.

It is respectfully submitted that the present communication places the present application in a form for allowance or in better condition for appeal. Entry is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: **Mail Stop AF**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 12, 2006:

Max Moskowitz

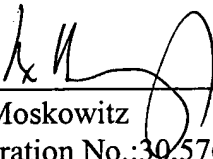
Name of applicant, assignee or
Registered Representative


Signature

May 12, 2006

Date of Signature

Respectfully submitted,


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